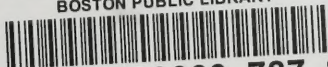


BOSTON PUBLIC LIBRARY



3 9999 06660 787 8

6351.2

City Document—No. 3.

MINORITY REPORT

OF

THE COMMITTEE

ON THE

REMONSTRANCE OF WM. R. HUSTON,

RELATIVE TO THE

MUNICIPAL ELECTION OF WARD 3.



ROXBURY:

JOHN M. HEWES, PRINTER.

1858.

City of Roxbury.

IN COMMON COUNCIL, JAN. 4, 1858.

Remonstrance read, and referred to a Special Committee of five, consisting of Messrs. Nichols, Tower, Bumstead, Brewer, and Batchelder.

FRANKLIN WILLIAMS, *Clerk.*

IN COMMON COUNCIL, JAN. 11, 1858.

Ordered, That the Committee on the Remonstrance of William R. Huston be authorized to submit their report in print.

FRANKLIN WILLIAMS, *Clerk.*

REPORT.

IN COMMON COUNCIL, JAN. 14, 1858.

THE Committee to whom was referred the protest of W. R. Huston, have considered the subject and beg leave to report in general terms, that the officers entrusted with the care of the meeting held in the Ward Room of Ward 3, on Monday, Dec. 14th, 1857, appear to have been guilty of carelessness in their proceedings, and they also failed to comply with the formal requirements of the law provided to regulate elections.

In the special matter of the election of members of the Common Council from Ward 3, your Committee submit a brief statement of facts elucidated by their investigations, and also give deductions and conclusions.

The whole subject naturally resolves itself into two parts; in the first of which, the thing desired, is to ascertain who were rightfully elected as Common Councilmen?

Mr. Pennock, Clerk of Ward 3, is *willing to swear* that his record is correct, and by his record, Samuel Little, P. H. Rogers, Thomas J. Mayall and J. M. Way, are returned as elected. In opposition to the oath of the Clerk, there is *opinionative evidence*.

Mr. W. R. Huston, Warden of Ward 3, pro tem., "thinks no ballots were thrown by persons not legal voters." "Thinks no person could foot Clerk's columns of figures correctly," and says, "there were blots upon the records;" also says, that "in adding up the column of figures containing the number of votes given for W. R. Huston, the Clerk made an error of six."

Mr. Wiggin, Inspector in Ward 3, says, "he places no reliance upon the Clerk's records."

Mr. Gragg, Inspector in Ward 3, says, he thinks "the Clerk was correct and the Warden incorrect in the addition of the column of figures containing the number of votes for W. R. Huston." He also gives, as his "*decided opinion*", that Samuel Little, P. H. Rogers, Thomas J. Mayall and J. M. Way, were rightfully elected."

The oath of the Clerk and the evidence of Mr. Gragg establish, beyond a doubt, the election of Samuel Little, P. H. Rogers, Thomas J. Mayall and J. M. Way, as members of the Common Council for the year 1858.

In the second part of the subject, the thing desired, is to determine whether the negligence of the Ward officers, in not complying with the formal demands of the law, deprives the gentlemen, rightfully elected, of their seats. The principal demand of the law, which was not complied with, is, that the number of votes given for each person was not written in the Ward records in words at length, in open Ward meeting, and thus the whole subject is narrowed down to one question, which is,—if the non-compliance of the Clerk with the strict requirements of the law vacates the election? This being purely a question of law, your Committee have obtained and appended the opinion of the City Solicitor, which is as follows :—

"I am of opinion," (says the City Solicitor,) "that the failure on the part of the Clerk to register the votes in open Ward meeting, in the manner required by the City Charter, will not vacate the election."

Your Committee coincide with the City Solicitor in his decision, and the matter being thus disposed of, they ask to be discharged from further consideration of the subject.

For the Committee,

J. A. TOWER.

